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D. Lauer
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PATENT
SONYJP 3.0-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Patent App.
Keiji Yuzawa

Application No. 09/035,612

Examiner: R. Brown

Filed: March 5, 1998

Date: October 24, 2000

For: DATA RECEPTION DEVICE AND
DATA RECEPTION METHOD

X

Assistant Commissioner for Patents
Washington, D.C. 20231

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REPLY PURSUANT TO 37 C.F.R. § 1.111

Sir:

In response to the Office Action mailed July 24, 2000, please reconsider the above-identified application in light of the following remarks:

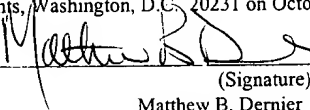
REMARKS

Applicant respectfully requests reconsideration and allowance of claims 3, 4, and 7-26 that are pending in the above-identified application.

At numbered paragraphs 2 and 3 of the Office Action, the Examiner rejected claims 3, 4, and 7-26 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,978,012 (hereinafter the "Ozawa reference") in view of U.S. Patent No. 6,029,044 (hereinafter the "Arsenault reference"). Applicant respectfully traverses the Examiner's rejection.

Independent claim 9 of the instant application requires a "signal quality detecting means for detecting quality level of said received signal in a predetermined period of time and for calculating an average quality level;... wherein said control means

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(Signature)
Matthew B. Dernier

executes said storing operation **only when said average quality level is better than a predetermined level."**

Independent method claim 19 of the instant application requires "detecting quality level of said received signal **in a predetermined period of time and for calculating an average quality level**; extracting said detected program software from said received digital data **only when said detected quality of received signal is better than a predetermined level...**"

Applicant respectfully submits that neither the Osawa nor Arsenault references, taken alone or in combination, disclose or suggest the above-quoted features of the invention as claimed. Applicant agrees with the Examiner that the Osawa reference fails to disclose the claimed "signal quality detecting means" that calculates "an average quality level." (Page 3 of the Office Action). Applicant submits, however, that the Examiner has erroneously concluded that certain teachings of the Arsenault reference may be combined with the teachings of the Osawa reference to reject independent claims 9 and 19 of the instant application under § 103.

The Osawa reference also fails to disclose or suggest the claimed feature of executing "said storing operation only when said average quality level is better than a predetermined level" as recited in claim 9 or "extracting said detected program software from said received digital data only when said detected quality of received signal is better than a predetermined level" as recited in claim 19.

The Arsenault reference fails to remedy the deficiencies of the Osawa reference. The Arsenault reference discloses the usefulness of monitoring the signal strength of a data signal received from a geosynchronous satellite and warning a user of the receiver when the signal strength falls below a certain minimum. The warning is advantageous because, due to advances in error correction, the user may not have any indication that the signal strength is gradually deteriorating; rather, an abrupt loss of the data signal may occur.

The warning enables the user to take some corrective action prior to a total loss of the data signal, such as removing accumulated snow on the user's satellite dish (column 1, lines 20-31). The Arsenault reference is completely devoid of any teaching for calculating an average quality level of the received signal as recited in independent claims 9 and 19 of the instant application. The Arsenault reference merely discloses the instantaneous monitoring of signal power level and noise power level in the received data signal and a comparison of those instantaneous power levels to one or more thresholds. No detection "in a predetermined period of time" or calculation of "an average quality level" (as required by independent claims 9 and 19) is disclosed or suggested by the Arsenault reference. Likewise, the Arsenault reference fails to contain any teaching of "execute[ing] said storing operation" or "extracting said detected program software from said received digital data"... "only when said detected quality of received signal is better than a predetermined level" as respectively required by independent claims 9 and 19 of the instant application.

Consequently, the combined teachings of the Arsenault and Osawa references fail to disclose or suggest each and every feature of the invention as recited in independent claims 9 and 19 of the instant application. Accordingly, Applicant submits that the Examiner's § 103 rejection of claims 9 and 19 in view of the cited combination should be withdrawn. Further, claims 3-4 and 10-18, and claims 7-8 and 20-26 depend from claims 9 and 19, respectively, and contain all the limitations thereof as well as other limitations which are neither disclosed nor suggested by the prior art of record. Accordingly, Applicant submits that the subject dependent claims are likewise patentable.

In light of the above, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited.

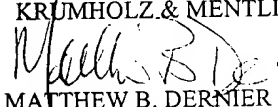
No fee is believed due. If, however, a fee is due in connection with this Response, or for any other reason during the prosecution of the instant application, the

SONYJP 3.0-014
Application No. 09/035,612

Commissioner is authorized to charge our Deposit Account No. 12-1095 in an amount sufficient to cover the fee due.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of :
Keiji Yuzawa :
Application No. 09/035,612 : Group Art Unit: 2711
Filed: March 5, 1998 : Examiner: R. Brown
For: DATA RECEPTION DEVICE : Date: October 24, 2000
AND DATA RECEPTION METHOD: X

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PAID FOR	NUMBER OF EXTRA CLAIMS	RATE	ADDL. FEE
TOTAL CLAIMS	* 22	MINUS **	22	= 0	x \$ 18 = \$	0.00
INDEP. CLAIMS	* 2	MINUS ***	3	= 0	x \$ 80 = \$	0.00
FEE FOR FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM(S)					\$270 = \$	0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT.....						\$ 0.00

- * If the entry in col. 2 is less than entry in col. 4 write "0" in col. 5.
** If the "highest number paid for" in this space is less than 20, write "20" in this space.
*** If the "highest number paid for" in this space is less than 3, write "3" in this space.

- ☒ No additional fee is required.
- ☐ Charge \$ to Deposit Account No. 12-1095. A duplicate copy of this sheet is enclosed.
- ☒ Please charge any additional fees or credit overpayment to Deposit Account No. 12-1095. A duplicate copy of this sheet is enclosed.

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